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09/112,608	07/09/1998	AKIO OHBA	48444/SONYP	7119

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

19

# Office Action Summary

Application No.

09/112,608

Applicant(s)

OHBA, AKIO

Examiner

Jason P Salce

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 31,40 and 45-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31,40 and 45-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 13.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. Applicant's representative was contacted on 6/30/2004 in regards to claim limitations where clarification was requested regarding "picture signals". Applicant's representative informed the examiner that the applicant must be contacted and that the examiner will be contacted after the applicant has been contacted. No response has been received, therefore the examiner has determined that the term "picture" signals in the claim is broad and can mean either actual graphical data being transmitted from one game machine to the other, or data representing the correct image to be displayed on an opponent's game machine.

In the previous Office Action, Sitrick (of record) was used to teach transmitting image data over a network in a game environment. However since the examiner's interpretation of "picture signals" now encompasses "data representing the correct image to be displayed on an opponent's game machine". A new rejection is provided below.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/26/2004 has been entered.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 12/08/2003 was filed after the mailing date of the Final Rejection on 10/21/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 31, 40 and 45-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker (U.S. Patent No. 5,538,255) in view of Trovato (U.S. Patent No. 6,183,364).

Referring to claim 31, Barker discloses a video game machine that includes a first and second picture display device (elements 10a and 10b in Figure 1), which transmits synchronization data and status change data (which is based on an application program for a game) over a communications network (telephone network 34 in Figure 1 and Column 6, Lines 26-31). The system allows users to simultaneously play a video game against one another at the same time. The examiner notes that the status change information is the command to the remote game controller at Column 6, Lines 26-28, and the synchronization information is the frame identifier F (see Column 6, Lines 29-32). Since the synchronization data is a frame identifier, and a frame is a picture, this is also inherently "picture data".

Barker also discloses measuring the transmission time in which the status change information from the other video game terminal is transmitted via the communications network (see Column 4, Lines 64-67 and Column 5, Lines 1-13) and therefore synchronizing the control of each picture signal using the transmission time (see Column 5, Lines 14-27).

Barker discloses using the image control command signals as the common time information, but fails to disclose using telecast signals (signals transmitted over a television broadcast network). Trovato discloses a video game system, which allows competitive play of a video game, where two users at remote video game devices can play one another, and that television broadcast signals can be used (see Column 3, Lines 46-67 and Column 4, Lines 1-6).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video game system's transmission network (telephone system), as taught by Barker, using the cable or satellite network, as taught by Trovato, for the purpose of providing a greater amount of bandwidth for the transmission of the synchronization and status change data, therefore insuring that these signals are transmitted in a shorter period of time and also creating an environment which has enough data to accommodate a very large number of users at once (see Column 1, Lines 29-31 of Trovato).

Although Trovato discloses the transmission of game data over a satellite or cable network (see above), neither Barker nor Trovato disclose the transmission of game data using telecast (television signals). Trovato only discloses that a satellite or

Art Unit: 2611

cable network is used to transmit the signals, and fails to teach that these networks utilize television signals. The examiner takes Official Notice that it is well known to transmit game data in television (telecast) signals. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the game system, as taught by Barker and Trovato, using a telecast (television) signal to transmit game data, for the purpose of allowing a user to utilize the existing cable network used to receive cable television program, thus alleviating the need for an additional means of communication.

Referring to claim 40, see the rejection of claim 31.

Claim 45 is broader than claim 31, where only one of the picture display devices is disclosed, therefore see the rejection of claim 31.

Referring to claim 46, see the rejection of claim 45.

Referring to claim 47, see the rejection of claim 31.

Claim 48 corresponds to claim 47, where Barker discloses bringing the frame numbers of the picture signals into coincidence using the synchronization information to effect frame synchronization (see Column 8, Lines 38-41).

Claim 49 corresponds to claim 47, where Trovato discloses a satellite network (see Column 4, Line 1).

Referring to claim 50, see the rejection of claim 31.

Referring to claim 51, see the rejection of claim 31.

Referring to claim 52, see the rejection of claim 31 and also note that Trovato discloses a host machine (game server 101 in Figure 1).

Referring to claims 53-54, see the rejection of claim 31 and 49, respectively.


***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 10, 2004

  
**VIVEK SRIVASTAVA**  
**PRIMARY EXAMINER**